

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chua et al.
Application No.: 10/761,763
Filed: 01/21/2004

Title: DEVICE AND METHOD FOR EMITTING
OUTPUT LIGHT USING GROUP IIB ELEMENT
SELENIDE-BASED AND GROUP IIA ELEMENT
GALLIUM SULFIDE-BASED PHOSPHOR
MATERIALS

Attorney Docket No.: 70040066-1

Group Art Unit: 2879

Confirmation No.: 2864

Examiner: Canning, Anthony J.

PETITION UNDER 37 C.F.R. §1.313(c)(2) FAX RECEIVED

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 17 2006

OFFICE OF PETITIONS

Sir/Madam:

This is a petition to withdrawal from issue in consideration of a request for continued examination (RCE), which is simultaneously submitted, for the above-identified patent application.

The issue and publication fees were paid on July 5, 2006. However, Applicants have discovered that references cited in a continuation-in-part application, Application Serial No. 10/920,496, and other potentially material references were erroneously not disclosed in this application. Thus, Applicants request that this petition be granted so that an information disclosure statement (IDS) can be submitted and considered. The IDS will be submitted before the mailing of a first Office action on the merits since the size of the IDS makes its submission by facsimile impracticable.

07/18/2006 CKHLOK 00000004 503718 10761763
01 FC:1464 130.00 DA

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office (Office of Petitions) facsimile number (571) 273-0025 on July 13, 2006.

Number of Pages: 8

Signed: Thomas H. Ham

Typed Name: Thomas H. Ham

Applicants believe that the fee set forth in 37 C.F.R. §1.17(h) for filing this petition is \$130. The Commissioner is hereby authorized to charge \$130 and any additional fees which may be required in this application under 37 C.F.R §1.16-1.17 or credit any overpayment, to Deposit Account No. 50-3718. A duplicate copy of this authorization is filed herewith.

Respectfully submitted,

Chua et al.

Date: July 13, 2006

By: Thomas H. Ham
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300

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OFFICE OF PETITIONSMail Stop Petition
Commissioner for Patents
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Date: July 13, 2006

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Thomas H. Ham
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Telephone: (925) 249-1300

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 70040066-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Chua et al.

Serial No.: 10/761,763

Examiner: Canning, Anthony J.

Filing Date: Jan 21, 2004

Group Art Unit: 2879

Title: Device and Method for Emitting Output Light Using Group IIB Element Selenide-Based and
Group IIA Element Gallium Sulfide-Based Phosphor Materials

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

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JUL 17 2006

OFFICE OF PETITIONS

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- (a) ☒ Under 37 CFR 1.97(b).
(Within three months of filing national application; or date of entry of national application; or before mailing date of first Office action on the merits; whichever occurs last).
- (b) ☐ Under 37 CFR 1.97(c) together with *either* a:
☐ Statement under CFR 1.97(e), or
☐ \$180.00 fee under 37 CFR 1.17(p).
(After the CFR 1.97(b) time period, but before a final action or notice of allowance, whichever occurs first).
- (c) ☐ Under 37 CFR 1.97(d) together with: a
Statement under 37 CFR 1.97(e), *and*
\$180.00 fee as set forth in 37 CFR 1.17(p).
(After a final action or notice of allowance, whichever occurs first, but before payment of the issue fee).

☐ STATEMENT UNDER 37 CFR 1.97(e)

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

☐ PRIOR APPLICATIONS

References identified with an asterisk (*) in the enclosed PTO Form 1449, were disclosed in prior Patent Application No. , filed , now U.S. Patent No. , and, as such, copies thereof are not included pursuant to the provisions of 37 CFR 1.98(d).

☐ FOREIGN LANGUAGE DOCUMENTS

A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

ATTORNEY DOCKET NO. 70040066-1

☐ **FEE AUTHORIZATION**

Please charge to Deposit Account 50-1078 the sum of \$0.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

I hereby certify that this correspondence is being deposited with the United States Postal Service as:

☐ First Class Mail☐ "Express Mail Post office to Addressee" service under 37 CFR 1.10

Express Mail Label No.

Date of Deposit:

In an envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria VA 22313-1450.

OR

☒ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: July 17, 2006

Typed Name: Thomas H. Ham

Signature: Thomas H. Ham

Respectfully submitted,

Chua et al.

By Thomas H. Ham

Thomas H. Ham
Attorney/Agent for Applicant(s)

Reg. No. 43,654

Date: July 17, 2006

Telephone No. (925) 249-1300

Form PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTORNEY DOCKET NO. 70040066-1	SERIAL NO. 10/761,763
	APPLICANT Chua et al.	
	FILING DATE January 21, 2004	GROUP 2879

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	*	DOCUMENT NUMBER	DATE	NAME
		6,613,247 B1	09/02/2003	Hohn et al.
		6,074,575	06/13/2000	Sugioka et al.

FOREIGN PATENT DOCUMENT

		DOCUMENT NUMBER	DATE	NAME	TRANSLATION YES	NO

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER	DATE CONSIDERED
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* Copies of these references are not enclosed Pursuant to 37 CFR 1.98(d). (See accompanying IDS)

Page 1 of 1

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/761,783	FAX RECEIVED JUL 17 2006 OFFICE OF PETITIONS
	Filing Date	01/24/2004	
	First Named Inventor	Janet Bee Yin Chua	
	Art Unit	2879	
	Examiner Name	Canning, Anthony J.	
Total Number of Pages in This Submission	8	Attorney Docket Number	70040066-1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): IDS and Form PTO-1449 Copy of Petition Under 37 CFR 1.313(c)(2)
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wilson & Ham		
Signature	<i>Thomas H. Ham</i>		
Printed name	Thomas H. Ham		
Date	July 17, 2006	Reg. No.	43,654

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Thomas H. Ham</i>		
Typed or printed name	Thomas H. Ham	Date	July 17, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.